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DOCKET FILE COPY ORIGINAL

November 7, 1996

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NOV 7 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Gillette, Wyoming
Montgomery Broadcasting Limited Liability Company

Dear Mr. Caton:

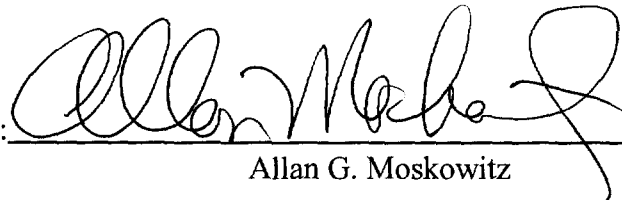
On behalf of Montgomery Broadcasting Limited Liability Company, we are herewith filing an original and four (4) copies of its "Petition for Rulemaking".

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By:


Allan G. Moskowitz

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In Re)
)
Amendment of Section 73.202(b),)
)
Table of Allotments,)
FM Broadcast Stations.)
)
Gillette, Wyoming)

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Federal Communications Commission
Office of Secretary

TO: Chief, Policy and Rules Division

PETITION FOR RULEMAKING

Montgomery Broadcasting Limited Liability Company ("Montgomery"), pursuant to Section 303 of the Communications Act of 1934, as amended, hereby petitions for rulemaking to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to request the assignment of FM Channel 249A to Gillette, Wyoming. In support thereof, the following is respectively shown:

1. The community of Gillette, Wyoming had a 1990 U.S. Census population of 17,635, which represents an increase of 5,501 additional residents or 45% population growth since 1980. While the Table of Allotments reflects that there are presently two FM channels allotted to Gillette, Wyoming, the community and its surrounding area could support and deserves an additional FM allocation.
2. Montgomery has the present intention of submitting an application for a new FM Radio Station Construction Permit for Channel 249A at Gillette, if the Commission assigns that

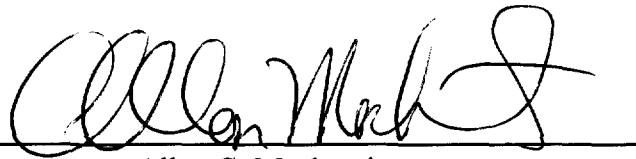
channel. Further, Montgomery presently commits itself to construct the station as expeditiously as possible if its application is granted.

3. The attached Engineering Statement reflects that Channel 249A can be assigned at the reference point specified in compliance with all the Commission's separation requirements and rules.

4. Montgomery respectfully submits that the allocation of Channel 249A to Gillette, Wyoming, would be in the public interest and respectfully requests that Channel 249A be allotted to Gillette, Wyoming.

Respectfully submitted,

MONTGOMERY BROADCASTING LIMITED
LIABILITY COMPANY

By: 

Allan G. Moskowitz
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP
901 Fifteenth Street, N.W., Suite 1100
Washington, DC 20005
(202) 682-3500

November 7, 1996

PROPOSED RULEMAKING
DAVID MONTGOMERY
97.7 MHz CH.249A
GILLETTE, WYOMING

FCC - ORIGINAL

ENGINEERING STATEMENT

Concerning a request for rulemaking to assign Channel 249A to Gillette, Wyoming.

David Montgomery hereby requests that the FCC allot Channel 249A to Gillette, Wyoming, and has retained the services of Vir James P.C., Consulting Radio Engineers, to prepare the engineering portions of this request for FM rule making for Gillette.

Measurements in this report are in the metric system.
Exhibit E-1B-2 tabulates the appropriate conversion factors.

Gillette is a community of 16,924 population according to the 1990 census and is the county seat of Campbell county. The proposed Channel 249 will provide the third local FM service to Gillette.

The proposed reference coordinates for Channel 249A can be assigned at the Gillette post office as follows:

NL: 44 Deg 17 min 31 sec
WL: 105 Deg 30 min 11 sec

A study of existing and proposed FM stations and allocations on file as of the date of this request for rulemaking shows that there are neither cochannel nor adjacent channel commercial FM stations within the minimum distance separations specified in Section 73.207 of the FCC rules.

CH.	FREQ.	NEAREST ALLOCATION		SEPARATION IN KM	
		CITY	CALL	ACTUAL	REQ'D
246C	97.1	Faith SD	KPSD	270	95
247A	97.3	Casper WY	APPL	168	31
248C1	97.5	Chadron NE	KQSK	267	133
249C	97.7	No Station or Allocation within 330 km			
250C1	97.9	Rapid City SD	KLMP	182	133
251C	98.1	No Station or Allocation within 330 km			
252A	98.3	Thermopolis WY	ALLOC	228	31

FM frequencies 10.6 or 10.8 MHz removed from 97.7 MHz fall outside of the FM band so therefore no IF interference can result.

PROPOSED RULEMAKING
DAVID MONTGOMERY
97.7 MHz CH.249A
GILLETTE, WYOMING

Hence, the proposed allocation of Channel 249A to Gillette, Wyoming, would meet required separation distances with respect to existing or proposed FM stations and allocations.

Therefore the table of Allotments in Section 73.202 can be amended as follows:

Gillette, Wyoming

Present: 245C1, 264C1

Proposed: 245C1, 249A, 264C1

This request for rule making has been prepared in accordance with the appropriate parts of Section 73 of the FCC Rules and Regulations.



Respectfully submitted,

A handwritten signature in cursive script that reads "Timothy C. Cutforth".

Timothy C. Cutforth, P.E.
28 October 1996

STATE OF COLORADO

EXHIBIT E-1B-1

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (50046) by the Society of Broadcast Engineers, Inc.

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a member of the IEEE.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief: and on such statements made on belief, they are believed to be true.

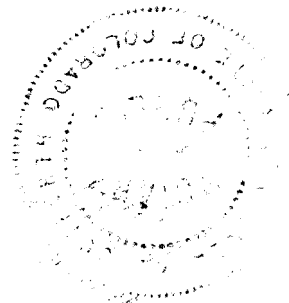
Timothy C. Cutforth
Affiant

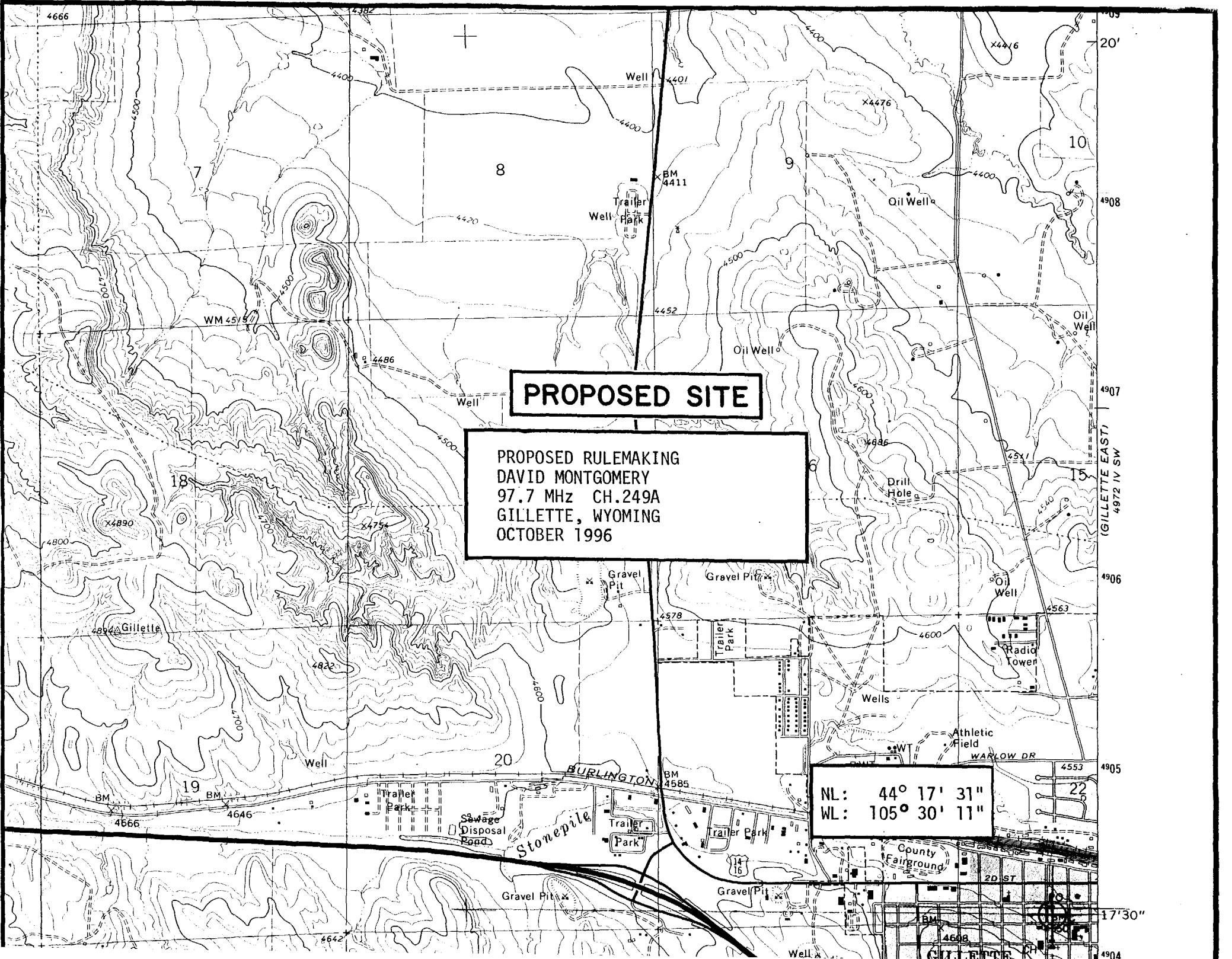
Subscribed and sworn to before me

This 28th day of October 1996

Notary Public Virginia K. Cutforth

Date of Commission Expiration December 21, 1996





PROPOSED SITE

PROPOSED RULEMAKING
DAVID MONTGOMERY
97.7 MHz CH.249A
GILLETTE, WYOMING
OCTOBER 1996

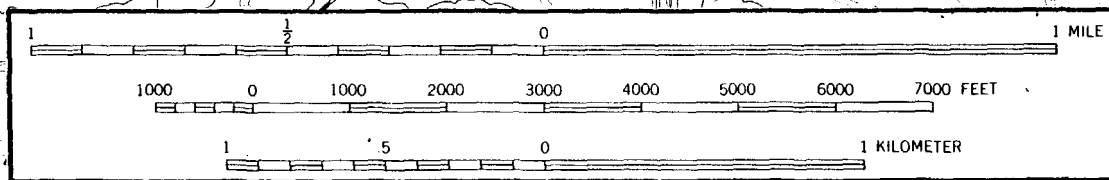
NL: 44° 17' 31"
WL: 105° 30' 11"

GILLETTE WEST, WYO.

N4415-W10530/7.5

1971

Donkey



(APPEL BUTTE)
4872 II NE

SAVAGETON 31 MI.

32'30"

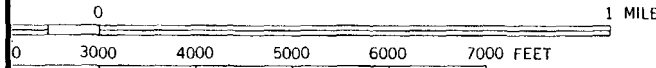
457

458

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1983
459000m E.

105° 30'

SCALE 1:24 000



ROAD CLASSIFICATION

- | | |
|------------------------------------|--|
| Primary highway,
hard surface | Light-duty road, hard or
improved surface |
| Secondary highway,
hard surface | Unimproved road |

EXHIBIT E-6A

(THE GAP)
4972 II NW

6894

30

6825

29

6777

Drill Hole

Drill Hole

Oil Well

Oil Well

4595

Well

Well

4662

33

Creek

4547

34

4539

4901

T. 50 N.

T. 49 N.

Gravel Pit

4900000m N.

44° 15'

105° 30'

0.3 MI. TO WYO. 59
MOORCROFT 28 MI.

Hosp

8TH ST

WT

Radio Towers

27

90

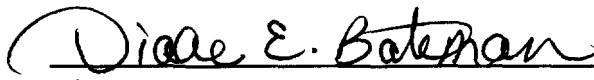
50

VIR JAMES P. C.
TIMOTHY C. CLIFTON P.E. DIRECTOR OF ENGINEERING
BROADCAST ENGINEERING CONSULTANTS
986 S. IRVING ST. • DENVER, CO 80219
(303) 937-1900 • (800) 779-0198

CERTIFICATE OF SERVICE

I, Diane E. Bateman, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that a copy of the foregoing "Petition for Rulemaking" was hand-delivered, this 7th day of November, 1996, to the following:

Mr. Douglas W. Webbink
Chief, Policy and Rules Division
Federal Communications Commission
2000 M Street, N.W.
Room 536
Washington, DC 20554



Diane E. Bateman